



## MINUTES OF THE SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, NOVEMBER 21, 2017 – 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

### COUNCIL MEMBERS PRESENT

Mayor Pro Tem Russell Porter, Council Members Sallee Orr, Brent Strate, and Adam Hensley

### COUNCIL MEMBERS EXCUSED

Mayor James F Minster, Council Member Bryan Benard

### STAFF MEMBERS PRESENT

City Manager Matt Dixon, Attorney Ken Bradshaw, Parks and Public Works Director Jon Andersen, Fire Chief Cameron West, Police Chief Darin Parke, Finance Director Steve Liebersbach, and Recorder Leesa Kapetanov

### CITIZENS PRESENT

Spencer Young, Mike Howard, Jerry Cottrell, Walt Bausman, Leon Tillett, Terry Tillett, Bill Pierce, Gary Keddington, Ben Bailey, Kat Hazelhurst, Sky Hazelhurst, Brad Brown, Susan Stewart, Joyce Hartman, Bruce Hartman

**Note: The time stamps indicated in blue correspond to the audio recording of this meeting which can be found at this link [utah.gov/pmn/files/350323.mp3](http://utah.gov/pmn/files/350323.mp3) or requested from the office of the South Ogden City Recorder.**

## I. OPENING CEREMONY

### A. Call To Order

Mayor Pro Tem Russell Porter called the meeting to order at 6:00 pm and called for a motion to convene. 00:00:04

**Council Member Orr moved to convene as the South Ogden City Council, followed by a second from Council Member Hensley. In a voice vote Council Members Orr, Porter, Hensley, and Benard all voted aye.**

### B. Prayer/Moment Of Silence

The mayor pro tem led everyone in a moment of silence. 00:00:41

### C. Pledge Of Allegiance

Mayor Pro Tem Porter led the Pledge of Allegiance. 00:00:55

## II. PUBLIC COMMENTS

Spencer Young Sr., Young Subaru 00:00:24

## III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

There were no scouts or students present at this meeting.

## IV. CONSENT AGENDA 00:03:19

- A. Approval of July 18, 2017 Council Minutes
- B. Approval of October Warrants Register
- C. Declaring Certain Items as Surplus to the City's Needs

There was no discussion on the consent agenda.

**Council Member Hensley moved to approve the consent agenda, followed by a second from Council Member Orr. All present voted aye. 00:03:39**

## V. PRESENTATIONS

- A. Audit Report – Ben Bailey, Keddington & Christensen 00:04:09
- B. Financial Update – Steve Liebersbach 00:08:43

## VI. PUBLIC HEARINGS

Motion to enter public hearing: 00:32:15

**Council Member Hensley moved to open a public hearing to receive and consider comments for possible projects for which the city may apply for under the Community Development Block Grant (CDBG) Small Cities Program. The motion was seconded by Council Member Orr. The vote was unanimous in favor of the motion.**

To Receive and Consider Comments on the Following Items:

- A. Possible Projects for Which the City May Apply For Under the Community Development Block Grant (CDBG) Small Cities Program  
Overview of CDBG Small Cities Program by Parks and Public Works Director Jon Andersen 00:32:41  
There was no public comment for this item.
- B. Proposed Amendments to the FY2018 Budget  
Over view of budget amendments by Finance Director Steve Liebersbach 00:36:02  
There were no public comments for this public hearing item.

Motion to leave public hearing: 00:38:10

Council Member Hensley moved to leave the public hearing and convene as the South Ogden City Council in a public meeting. Council Member Orr seconded the motion. All present voted aye.

## **VII. DISCUSSION / ACTION ITEMS**

### **A. Consideration of Resolution 17-46 – Approving Amendments to the FY2018 Budget**

Discussion: 00:38:36

Motion: 00:45:48

Council Member Strate moved to adopt Resolution 17-46, approving amendments to the FY2018 Budget, followed by a second from Council Member Orr. There was no discussion by the council. The mayor pro tem called the vote:

|                         |     |
|-------------------------|-----|
| Council Member Hensley- | Yes |
| Council Member Orr-     | Yes |
| Council Member Strate-  | Yes |
| Mayor Pro Tem Porter-   | Yes |

The budget amendments were adopted.

### **B. Consideration of Resolution 17-51 – Approving an Agreement With Coldwell Banker Commercial Advisors for Sale of Surplus Real Property**

Discussion: 00:46:30 – Note: Sky Hazelhurst and Brad Brown, realtors with Coldwell Banker, answered questions for the council and gave them a brochure (see Attachment A.)

Motion: 01:00:15

Council Member Hensley moved to approve an agreement with Caldwell Banker Commercial Advisors for sale of surplus real property. The motion was seconded by Council Member Strate. After determining there was no more discussion, Mayor Pro Tem Porter called the vote:

|                         |     |
|-------------------------|-----|
| Council Member Strate-  | Yes |
| Council Member Orr-     | Yes |
| Council Member Hensley- | Yes |
| Mayor Pro Tem Porter-   | Yes |

Resolution 17-51 was adopted.

### **C. Consideration of Ordinance 17-21 – Adopting the Commercial Areas Form Based Code and Amending the Zoning Map in Connection With It**

Discussion: 01:00:36

Motion: 01:10:00

Council Member Hensley moved to approve Ordinance 17-21, adopting the Commercial Areas Form Based Code and amending the zoning map in connection with it. Council Member Strate seconded the motion. The mayor pro tem asked if there was more discussion, and seeing none, called the vote:

|                         |     |
|-------------------------|-----|
| Council Member Orr-     | Yes |
| Council Member Hensley- | Yes |
| Council Member Strate-  | Yes |
| Mayor Pro Tem Porter-   | Yes |

**Ordinance 17-21 was adopted.**

**D. Consideration of Ordinance 17-22 – Amending Title 10 Chapter 5.1 to Bring It In Line With the Commercial Areas Form Based Code**

Discussion: 01:10:20

Motion: 01:21:40

Council Member Strate moved to adopt Ordinance 17-22, followed by a second from Council Member Orr. Mayor Pro Tem Porter made a roll call vote:

|                         |     |
|-------------------------|-----|
| Council Member Orr-     | Yes |
| Council Member Strate-  | Yes |
| Council Member Hensley- | Yes |
| Mayor Pro Tem Porter-   | Yes |

**The motion stood.**

**E. Consideration of Ordinance 17-23 – Amending Various Chapters of Title 10 In Connection With the Adoption of the Form Based Codes, Including Eliminating Some Zones and Rezoning Some Properties Due to the Elimination of Their Zones**

Discussion: 01:22:00

Motion: 01:25:17

Council Member Hensley moved to adopt Ordinance 17-23. The motion was seconded by Council Member Strate. Mayor Pro Tem Porter asked if there was further discussion. Council Member Orr asked who the Chief Building Official was. City Manager Dixon answered it was Jeff Barfuss. There was no other discussion. **A roll call vote was made:**

|                         |     |
|-------------------------|-----|
| Council Member Strate-  | Yes |
| Council Member Hensley- | Yes |
| Council Member Orr-     | Yes |
| Mayor Pro Tem Porter-   | Yes |

**Ordinance 17-23 was adopted.**

**F. Consideration of Ordinance 17-24 – Amending the Consolidated Fee Schedule for Repetitive And/or Unnecessary 911/EMS Calls and Ambulance Enterprise Fund Fees**

Discussion: 01:25:51

Motion: 01:35:31

**Council Member Orr moved to adopt Ordinance 17-24, adding language to the ambulance fees that the rate would be whatever state statute allowed. Council Member Hensley seconded the motion. Mayor Pro Tem Porter asked if there were further discussion. Council Member Strate asked staff to clarify the alarm fees. City Attorney Bradshaw explained the process. The vote was called:**

|                                |            |
|--------------------------------|------------|
| <b>Council Member Orr-</b>     | <b>Yes</b> |
| <b>Council Member Strate-</b>  | <b>Yes</b> |
| <b>Council Member Hensley-</b> | <b>Yes</b> |
| <b>Mayor Pro Tem Porter-</b>   | <b>Yes</b> |

**The motion stood.**

**G. Consideration of Resolution 17-45 – Approving an Agreement With The Compliance Engine For Fire Inspection Tracking Software**

Discussion: 01:37:30

Motion: 01:40:39

**Council Member Orr moved to adopt Resolution 17-45, followed by a second from Council Member Hensley. The vote was called:**

|                                |            |
|--------------------------------|------------|
| <b>Council Member Hensley-</b> | <b>Yes</b> |
| <b>Council Member Orr-</b>     | <b>Yes</b> |
| <b>Council Member Strate-</b>  | <b>Yes</b> |
| <b>Mayor Pro Tem Porter-</b>   | <b>Yes</b> |

**The agreement with Compliance Engine was approved.**

**H. Consideration of Resolution 17- 47 – Canvassing the South Ogden City 2017 General Election**

Discussion: 01:40:58

Motion: 01:41:24

**Council Member Orr moved to approve Resolution 17-47. Council Member Strate seconded the motion. Mayor Pro Tem Porter called the vote:**

|                                |            |
|--------------------------------|------------|
| <b>Council Member Hensley-</b> | <b>Yes</b> |
| <b>Council Member Orr-</b>     | <b>Yes</b> |
| <b>Council Member Strate-</b>  | <b>Yes</b> |

Mayor Pro Tem Porter- Yes

**Resolution 17-47 was adopted.**

**I. Consideration of Resolution 17-48 – Approving an Interlocal Agreement With Weber/Morgan Strike Force**

Discussion: 01:41:42

Motion: 01:42:52

**Council Member Strate moved to adopt Resolution 17-48. The motion was seconded by Council Member Orr. The mayor pro tem made a roll call vote:**

Council Member Orr- Yes

Council Member Strate- Yes

Council Member Hensley- Yes

Council Member Hensley commented that Chief Parke, if given another police officer, would place the officer on the Strike Force. The Chief felt the city would get more from it and it would assist with other drug problems. The council should keep that in mind in entering into this agreement.

Mayor Pro Tem Porter- Yes

**The interlocal agreement with the Weber/Morgan Strike Force was approved.**

**J. Consideration of Resolution 17-49 – Approving a Short Term Agreement With Recycled Earth, LLC For Processing of Recycled Materials**

Discussion: 01:43:50

Motion: 02:06:01

**Council Member Hensley moved to adopt Resolution 17-49, with a second from Council Member Orr. Mayor Pro Tem Porter asked if there comments or questions, and seeing none, he called the vote:**

Council Member Orr- Yes

Council Member Strate- Yes

Council Member Hensley- Yes

Mayor Pro Tem Porter- Yes

**The agreement with Recycled Earth was approved.**

**VIII. DISCUSSION ITEMS**

**A. Discussion on RAMP Grant Applications 02:06:24**

## **IX. REPORTS AND COUNCIL COMMUNICATION/DIRECTION TO CITY MANAGER**

**A. Mayor Pro Tem** – reported later

**B. City Council Members**

Council Member Hensley – 02:30:12

Council Member Orr – 02:38:10

Council Member Strate – 02:39:23

Mayor Pro Tem Porter- 02:43:53

**C. City Attorney** – nothing to report.

**D. City Manager Dixon** – 02:44:31

## **XII. ADJOURN**

Mayor Pro Tem Porter called for a motion to adjourn. 02:51:33

**Council Member Orr moved to adjourn, followed by a second from Council Member Strate. The voice vote was unanimous in favor of the motion.**

The meeting concluded at 8:51 pm.

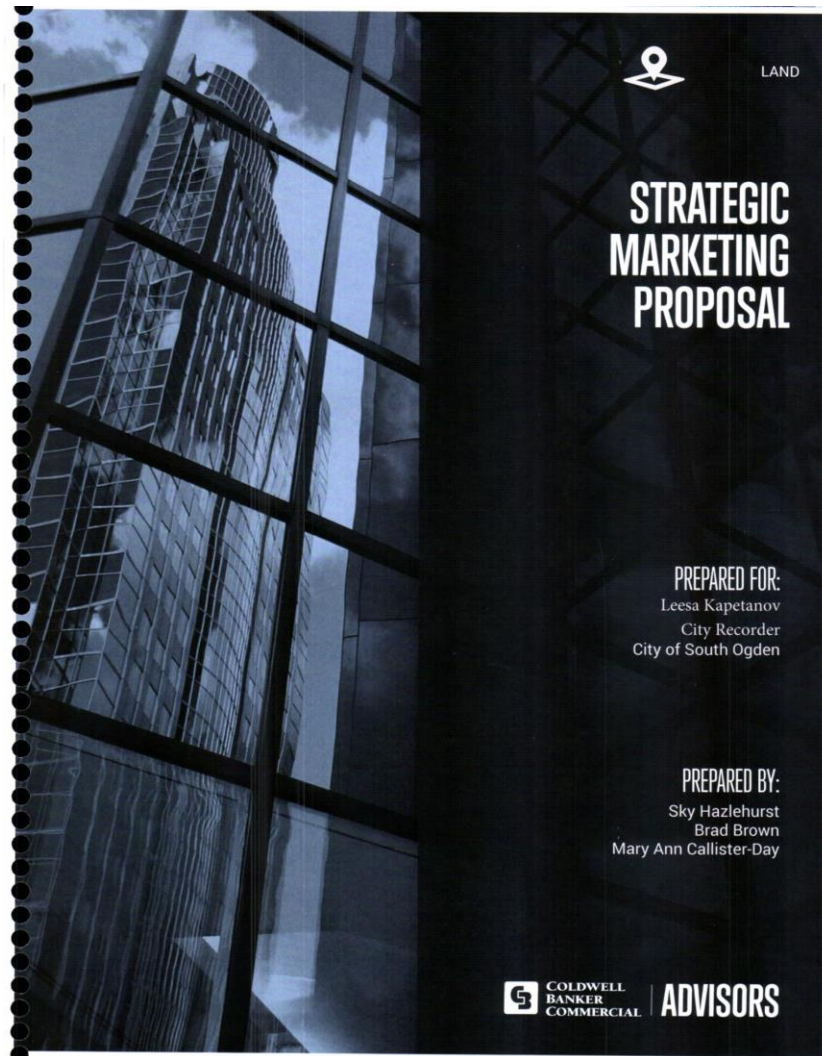
I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council Meeting held Tuesday, November 21, 2017.

  
Leesa Kapetanov, City Recorder

December 19, 2017  
Date Approved by the City Council

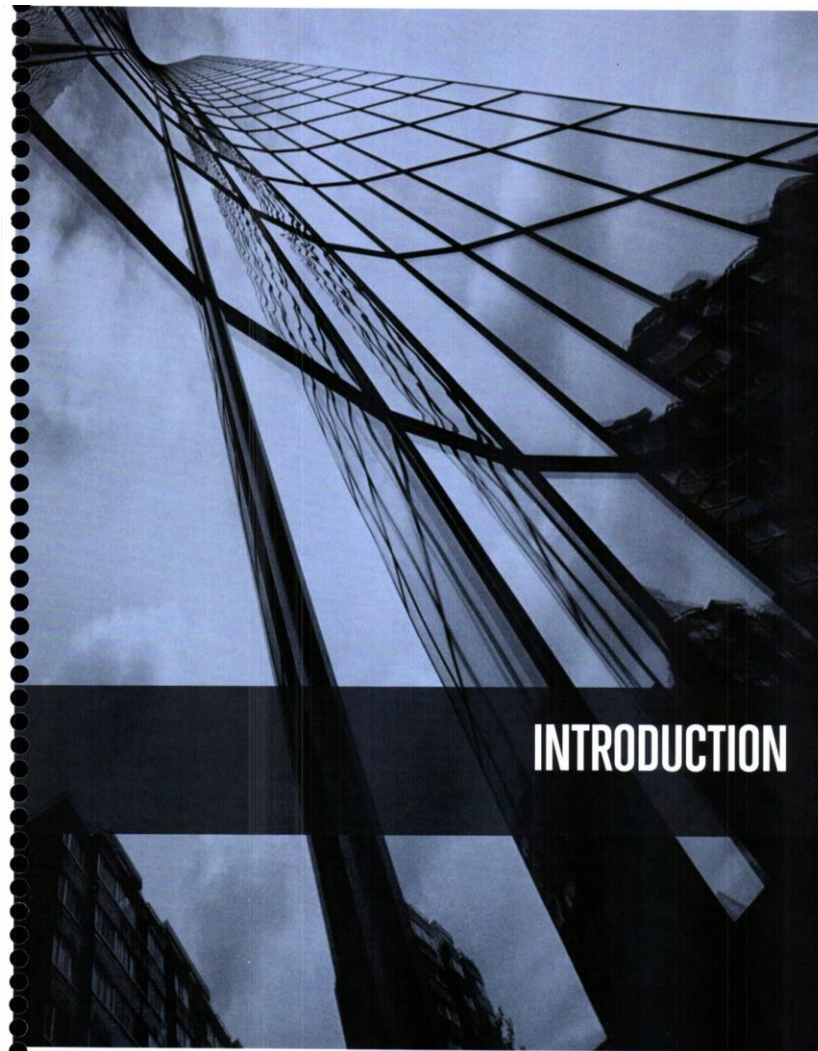
**Attachment A**  
Coldwell Bank Brochure





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|                   | • SKY HAZLEHURST               |
|                   | • BRAD BROWN                   |
|                   | • MARY ANN CALLISTER-DAY       |
|                   | • KAMI WICKHAM                 |
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## INTRODUCTION

November 3, 2017

Matt Dixon, City of South Ogden  
South Ogden, Utah

RE: STRATEGIC MARKETING CAMPAIGN | City of South Ogden

We appreciate the opportunity and privilege to work with you regarding the marketing strategy for the South Ogden City Surplus Land.

We have leased and sold more properties along the Wasatch Front Market than any other brokerage firm. The ability to speak with absolute confidence and credibility relative to the strength of the sub-market, and also provide the unequalled resources, will help you achieve the optimal price and terms.

A key factor associated with the disposition of the properties is the ability to properly articulate key strengths and resolve concerns effectively regarding the South Ogden City Surplus Land. This is the result of working diligently with dozens of prospective buyers and developers relative to your properties. We are the only firm who can confidently present the development effectively and speak with authority relative to their superior position.

In addition, we have developed a close relationship with local officials, and will be leveraging those connections to assist with the disposition.

The Marketing & Disposition Strategy outlined in this package demonstrates an unmatched understanding and preparedness relative to proper positioning of the development.

Regards,

Sky Hazlehurst  
Senior Vice President

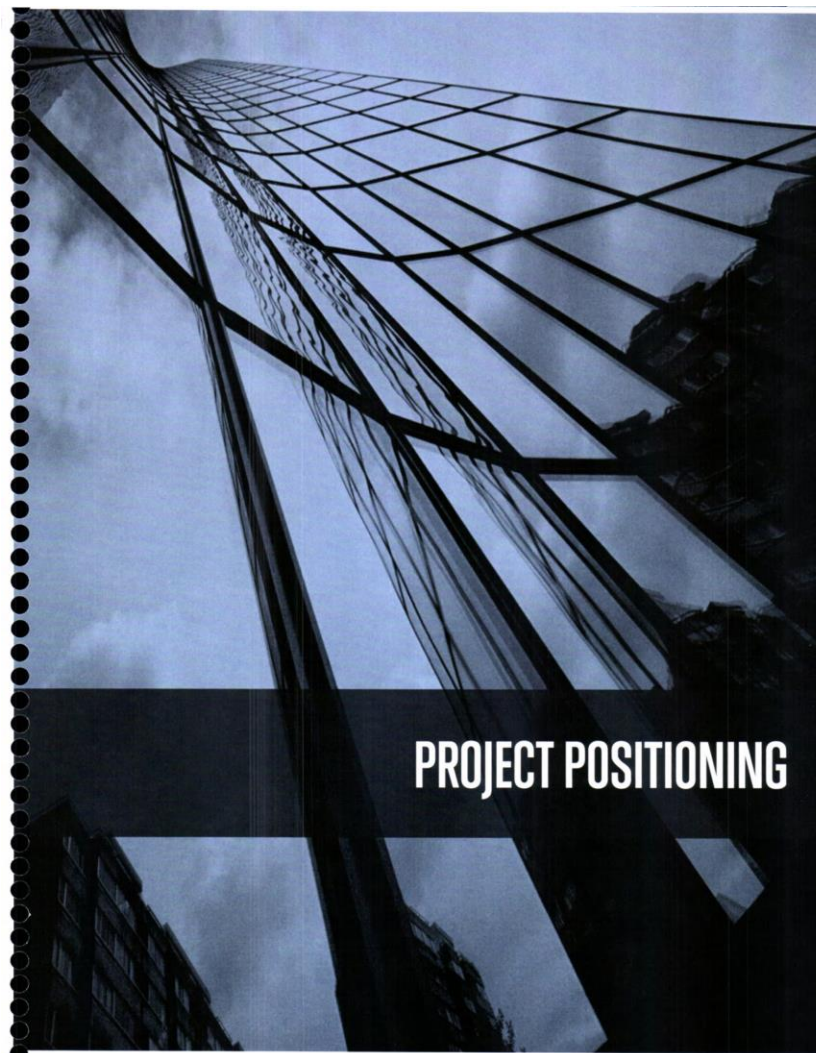
Brad Brown  
Senior Associate

Mary Ann Callister-Day  
Retail, Land & Investments

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## PROJECT POSITIONING

### BRIEF OVERVIEW

This opportunity came by way of the 40th street widening project. South Ogden City currently owns four surplus parcels. South Ogden City is committed to facilitating thoughtful and collaborative developments along 40th street, one of the city's major arterials. 40th Street connects the Riverdale Road shopping district (over 1,000,000 SF of regional and national retailers) to South Ogden City residents and Weber State University (26,000 + enrollment). This approximate two mile stretch of road sees over 20,000 average daily traffic and an excellent neighborhood demographic of average and above average incomes and a healthy mix of students and, families and retirees.

### PROJECT ATTRIBUTES

- 4 parcels totaling 1.20 Acres
- South Ogden City owned land due to road expansion
- Excellent parcels with a wide range of allowable uses
- South Ogden City has adopted a developer friendly, open form zoning code
- There are additional assemblage opportunities surrounding these parcels
- Located on 40th street, major business corridor with approx. 20,000 ADT

### RECOMMENDATIONS

- High impact marketing material
  - full color hard copy brochure and digital brochure treatment
  - website and internet exposure
- National campaign to site selectors and facilities consultants
- Determine sale parameters template and prospect qualification profile
- Cold calling contacting campaign in the surrounding market area, as well as targeted prospects nationwide

### EDCU/GOED ALLIANCE

- Leverage market profiles locally and nationally for site selectors and key executives
- SureSite status, giving the project qualified status as a "preferred site"

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## PROJECT POSITIONING

### TIMELINE

Time is of the essence to procure qualified buyers as the market continues to build momentum with positive absorption. Our approach advocates the following:

#### Stage One

- Completion of all new marketing materials and advertising proofs
- Finalize deal offering parameters
- Launch new internet advertising and exposure
- Schedule and conduct tours with immediate and future prospects

#### Stage Two

- Submit mass mailers to targeted prospects and brokerage community
- Formal presentations to selected parties
- Coordination with EDCU, GOED and Economic Development Office
- Presentation to Regional and National site selectors
- Exposure to SIOR, CCIM, NAIOP and other national organizations
- Coordination with public relations consultants

#### Stage Three

- Continued follow-up with initial prospects identified via contacting efforts
- Enhanced public relations campaign
- Broker and site selector newsletter/blog

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## MARKETING AND PROMOTIONAL PLAN





## SELLER REP PROCESS

### 1 ESTABLISH THE SELLER'S GOALS

Establish highest and best use. Market analysis for value of property.

### 2 INITIAL MARKETING

Agent is available at all times through the office or through cell phone to answer all questions for seller. Order and install applicable signage within 3 working days. Photograph property, order aerials and produce informational marketing collateral. Distribute flyers to all commercial brokers via email and broker presentation. List the property on Loopnet.

### 3 CONTINUED MARKETING

Advertise the property in the daily newspapers and applicable trade publications for all possible BUYERS. Communicate with city and governmental agents to know their desire of ingress and egress into the property from major roads. Make sure zoning, sewer, water and all information that the city desires of this property to be available to potential BUYERS. When potential users inquire about other properties, let them know of this property and its benefits.

### 4 PREPARATION, NEGOTIATION & COMMUNICATION

Update Seller on progress every week. This enables us to evaluate as a team what has been done and what more needs to be accomplished to better present the property. Our objective is to get the property in front of the most BUYERS in the shortest period of time. Ensure all Title Information is completed.

### 5 OFFER FINALIZATION & STRATEGY

Review offers with Seller and evaluate all aspects of the offer. Determine if counter offer would be beneficial to Seller. After an offer has been accepted, stay on top of all items to cause a SUCCESSFUL CLOSING. The little things make the BIG things HAPPEN.

## MARKETING AND PROMOTIONAL PLAN

We look forward to assisting you in the successful marketing and disposition of your property in the most efficient and expeditious manner, while protecting your best interests. In order to successfully achieve this goal, CBC Advisors will immediately execute the following marketing and promotional plan:

1. Market Analysis
2. Marketing Tools
3. Strategic Advertising
4. Direct promotion to the Real Estate Brokerage Community
5. Direct promotion to the Buyer/Developer Market
6. Direct promotion to the Economic Development Agencies
7. Monthly reporting

### 1. MARKET ANALYSIS

In conjunction with the execution of an exclusive representation agreement, Coldwell Banker Commercial will perform the following pre-marketing services:

- H. Research and evaluate current market conditions
- I. Compile data on all competing properties and comparable sale statistics
- J. Evaluate the property's position in the market and make our recommendations as to the price, terms and marketing incentives.

By integrating client needs in our analysis and recommendations, creating innovative strategies to increase financial performance, and applying expertise from a broad range of real estate and finance disciplines, we translate our commitment into value for our clients.

Please note that the aforementioned services and tasks have been largely completed in conjunction with preparation of this strategic marketing proposal.



## MARKETING AND PROMOTIONAL PLAN

### 2. MARKETING TOOLS

The following tools will be utilized to successfully market your development property.

#### A. Marketing Brochures

New full color brochures and other marketing items will be designed and assembled immediately. These materials will be only the highest quality, identifying key strengths relating to the development. All materials will be consistent with advertising, signage and internet presence.



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## MARKETING AND PROMOTIONAL PLAN

#### B. Signage

Signage will be designed and ordered immediately, based on your approval. Signage will feature key strengths and site information.

**1+ ACRES DEVELOPMENT LAND AVAILABLE**



### 3. STRATEGIC ADVERTISING

CBC Advisors may allocate a full advertising budget and execute an advertising plan specifically for the South Ogden City Surplus Land that may include the following:

- A. Internet advertising featured on Loopnet 
- B. Print advertising.
- C. Advertising through the Coldwell Banker Commercial network to include features of the building on both the local and national websites
- D. Featured property status and virtual tour on CBCAdvisors.com

All advertising will commence immediately, and will continue throughout the listing term.

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## MARKETING AND PROMOTIONAL PLAN

### 4. DIRECT PROMOTION TO THE REAL ESTATE BROKERAGE COMMUNITY

The Commercial Real Estate Brokerage Community, as a whole, represents a vast resource of contacts in the market beyond that of any single real estate organization.

Recognizing this, CBC Advisors will aggressively market and promote the property to the various commercial real estate brokers and agents in the following manner:

#### A. Direct Broker Presentation



- All commercial real estate brokers along the Wasatch Front, and regionally, will receive full marketing and promotional materials regarding this disposition.
- We will present complete materials to these commercial firms to present the property and ensure that all agents have the property tools available to show their clients.
- Coldwell Banker Commercial will pay a full cooperating commission to any procuring broker.
- Follow-up calls will be regularly placed to commercial brokers to discuss the property and solicit their clients.

#### B. Regional and National Brokerage Solicitation



CBC Advisors maintains close relationships with all commercial brokerage firms along the Wasatch Front along with maintaining alliances with key national tenant rep firms such as the Site Selection Group, Staubach Co., Studley, Savills, Cawley International, Cassidy Turley, SVN, UGL Equis and Oncor Nationwide Affiliates. We have closed transactions with nearly every commercial real estate firm and will focus on these relationships, ensuring maximum exposure.



### 5. DIRECT PROMOTION TO THE BUYER/DEVELOPER MARKET

Coldwell Banker Commercial is on the cutting edge of tracking property data and buyer activity in the market along the Wasatch Front. CBC Advisors' database program is arguably the most advanced and comprehensive tenant and buyer tracking resource in the market.

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## MARKETING AND PROMOTIONAL PLAN

### A. Prospecting

Utilizing our market knowledge and proprietary database of buyer information, we will make direct calls to prospective buyers/developers that fit your criteria with needs that fit your property. We will follow up with an in-person meeting to present the property at its best. Coldwell Banker Commercial maintains close contact with buyers and developers in every major project in Utah.

Contact will be made with companies in the market to ensure the highest and most effective exposure for the property. In addition, we will be pursuing compatible prospects outside of the Wasatch Front. These companies will be profiled in regular reports.

### 6. DIRECT PROMOTION TO ECONOMIC DEVELOPMENT AGENCIES

Coldwell Banker Commercial interfaces continually with The Economic Development Corporation of Utah, Utah Information Technology Association and the Governor's Office of Economic Development in order to be constantly informed regarding new companies moving into our market and existing companies planning expansion or relocation.

Coldwell Banker Commercial will present all marketing and promotional materials to each of these various organizations personally.

EDCUTAH



UTC

### 7. REPORTING AND ACCOUNTABILITY

#### A. Reporting Meetings

Coldwell Banker Commercial recommends regular marketing meetings to discuss the process and progress of the marketing efforts and to coordinate activity.

#### B. Monthly Reports

Coldwell Banker Commercial will provide comprehensive reports on a monthly basis to you, profiling all activity relating to the development. This report may include the following:

- Activity Update
- Advertising/Marketing Budget Accountability
- Information Checklist
- Summary Form

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## MARKETING AND PROMOTIONAL PLAN

### C. Property Review

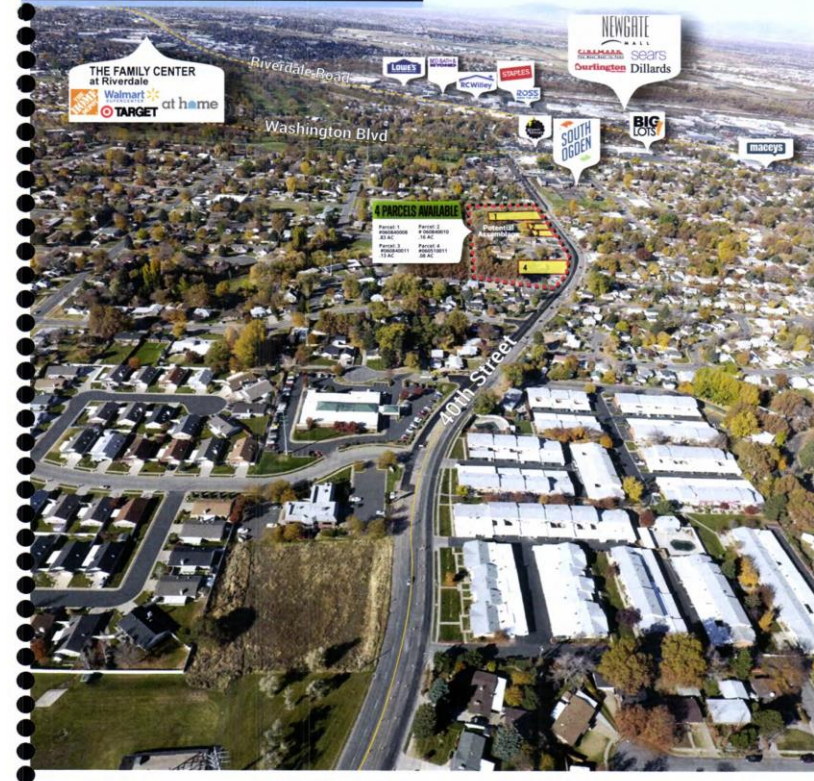
A periodic review of the marketplace and the market position of the property we have chosen is essential. Through this process Coldwell Banker Commercial will be able to discover any recent market changes or adjustments and act accordingly.



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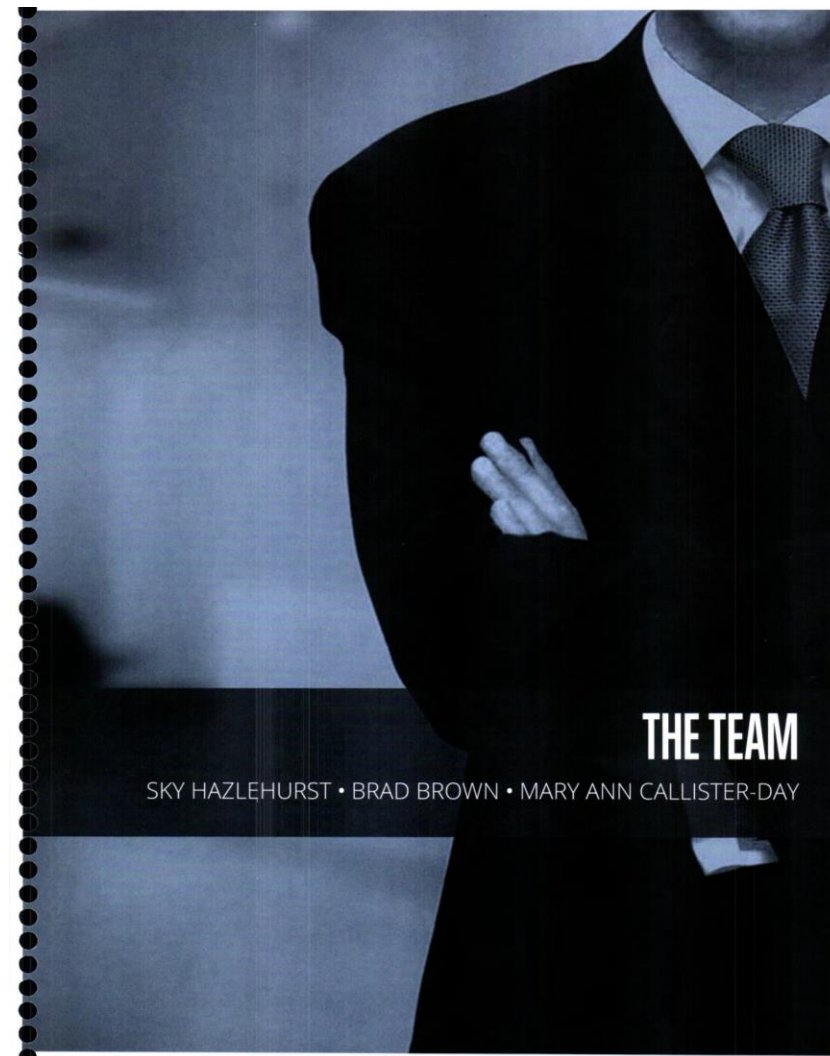
## MARKETING AND PROMOTIONAL PLAN



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**SKY HAZLEHURST**  
VICE PRESIDENT

801.837.2020 Office  
801.947.8301 Fax  
sky@cbcadvisors.com



ASSET SERVICES | BROKERAGE | CORPORATE SERVICES | MERGERS AND ACQUISITIONS

Sky was previously the Director of the Retail Services Group at NAI Vista. During his tenure at NAI, he was a board member of the National Retail Council for NAI Global. Sky has been in the real estate industry since 2008 and has spent the majority of that time focusing on representation of clients in the leasing, acquisition and disposition of retail properties along the Wasatch Front. Sky has become an expert in landlord and tenant representation, as well as investment sales of retail properties and development sites. Sky has recently been involved in many tenant roll-out plans for new market entries and expansions.

In addition, Sky has worked with government officials and developers to facilitate zoning changes, parcelization, and other entitlements for land development. Sky has broad financial and managerial experience as an owner and founder of various start-ups in the real estate investment and construction industries. Sky graduated from Weber State University with his Business Administration Major and Economics Minor. Sky is also an ICSC Affiliate Member and multiple time CoStar Power Broker award winner.

Sky currently resides in Layton, Utah with his beautiful new wife and cute munchkin daughter. Sky and his family enjoy camping, rock climbing, and water skiing. Sky is also a contributor to the Weber State Alumni Association and spends time helping train start-ups with the Weber Entrepreneurship Association.

#### Notable and Recent Transactions

Closed 5 Denny's deal in the last 12 months, found "A+" sites by creatively doing retrofit, freestanding BTS, and/or End-cap locations (all on pad sites).

Found an off-market site for Starbucks in a market Starbucks was initially unable to locate in, completed the transaction by developing a 9,000SF, Starbucks anchored, hard-corner site. 100% leased in 6 months.

Has current Tenant Rep assignments for freestanding retail pad users in: Weber, Davis, Utah and Salt Lake Counties

#### Partial Client List



Salt Lake City Office | 6550 South Millrock Dr., Suite 200 Salt Lake City, UT 84121 | 801.947.8300 | [www.cbcadvisors.com](http://www.cbcadvisors.com)



**BRAD BROWN**  
SENIOR ASSOCIATE

801.309.0399 Office  
801.947.8301 Fax  
brad.brown@cbcadvisors.com



ASSET SERVICES | BROKERAGE | CORPORATE SERVICES | MERGERS AND ACQUISITIONS

Brad previously worked as part of NAI Vista's Retail Services Group in tenant representation, landlord representation, investment analysis, and development analysis. He strives to provide the most innovative and best solutions for his clients in a timely manner. Brad's core values of honesty, integrity, and work ethic serve as a foundation for all he does. He first found success at PPC Commercial where he first learned the importance of adding value and putting the client's interest first.

Brad is an active member of ICSC and he is on the committee for ICSC Next Gen for the up-and-coming leaders in Utah retail real estate.

Brad is a licensed Professional Engineer. Before entering the world of real estate, Brad was a structural engineer, designing buildings and other large structures. Here he learned to collaborate, manage client's expectations, and how to look at a problem in different ways to find the best possible solution for his client. This experience also offers him a unique perspective on the construction and development process.

Brad has owned and operated multiple small construction companies. This cultivated his entrepreneurial spirit and showed him the value of a good, strong work ethic. Brad earned an Associate's degree from Weber State University and a Bachelor's and a Master's from Utah State University.

While Brad loves real estate, what matters most to him really is his family. He has a beautiful wife and five wonderful (most of the time) children, ages 9, 7, 5, 3, and 1. Needless to say, they keep him busy, and he doesn't have to fill out the section on what he does in his "free time." He really does enjoy spending time with them and is continuously amazed at how much they teach him.

#### Partial Client List



Salt Lake City Office | 6550 South Millrock Dr., Suite 200 Salt Lake City, UT 84121 | 801.947.8300 | [www.cbcadvisors.com](http://www.cbcadvisors.com)







**MARY ANN CALLISTER-DAY, CCIM**  
RETAIL, LAND & INVESTMENTS

801.557.6737 Office  
801.880.5354 Fax  
maryann.callisterday@cbcadvisors.com



**COLDWELL  
BANKER  
COMMERCIAL**  
ADVISORS

ASSET SERVICES | BROKERAGE | CORPORATE SERVICES | MERGERS AND ACQUISITIONS

MaryAnn was born and raised in Salt Lake County. She enjoyed playing basketball, volleyball, and softball through Jr and Sr High school. She graduated from Brigham Young University in Health Sciences and an extra major in Accounting.

At the age of 21, Mary Ann joined her families' business A.A. CALLISTER CORPORATION-HORSE, RIDER, HOME, RETAIL STORE and spent over 30 years growing the business. She worked as CEO, and in Accounting, Management, Marketing, Cashiering, Sales, Receiving, Inventory Purchasing, and Systems Developer. Mary Ann received many awards from venders over the years, but her favorite was a rifle for being the #1 sales person in the country for Logan Coach Horse trailers.

In 2008 Mary Ann replaced her day to day responsibilities at Callister's with a great team of personnel, and decided to continue her education and career in the real estate business.

Mary Ann's Career in Real Estate started in the Residential area and quickly advanced to the Commercial arena when Keller Williams Real Estate announced that they were opening a Commercial Real Estate Division.

For seven + years Mary Ann worked doing deals in Industrial, Office, and Retail property types.

Recently, Mary Ann joined with Coldwell Banker Commercial Advisors (Commercial Real Estate) and the Sky Hazlehurst, Brad Brown team, who are well known for their work in the Retail World. She is now specializing in the Retail Real Estate Business helping clients to Lease, Purchase and Sell Properties.

Problem solving, relationships and negotiations are her strong skills. This includes visualizing possible changes for improving Properties, Neighborhoods and individual Businesses. Determination, Honesty and patience are premier in accomplishing the goals of her Clients as well as her own goals.

Mary Ann is happily married to Wayne Day and has three children and nine grandchildren. She enjoys Hiking, Biking, Swimming, Scuba Diving, Travelling, spending time with family, and volunteer work for her church.

CBC Advisors | 111 South Main Street, Ste 2200 Salt Lake City, Utah 84111 | (P) 801.947.8300 [www.cbcdadvisors.com](http://www.cbcdadvisors.com)



**KAMI WICKHAM**  
AGENT ASSISTANT

801.844.1420 Office  
801.880.5354 Fax  
kami.wickham@cbcadvisors.com



**COLDWELL  
BANKER  
COMMERCIAL**  
ADVISORS

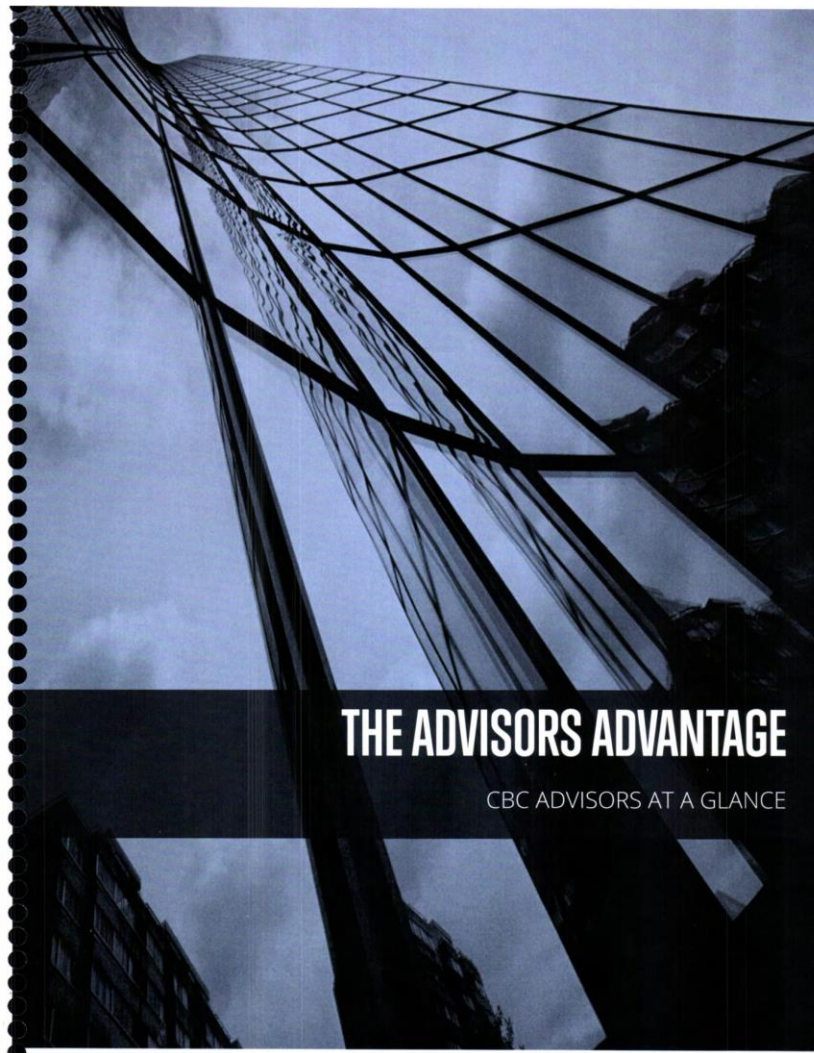
ASSET SERVICES | BROKERAGE | CORPORATE SERVICES | MERGERS AND ACQUISITIONS

As the most recent addition to the Hazlehurst&Brown team, Kami utilizes her education and customer service background to create visibility of data resources for the team. She provides support to each of the agents and promotes an environment of efficiency.

Kami attended Idaho State University where she earned her Bachelor's degree of Fine Arts in Anthropology (2010) and her Masters of Business Administration (2014). She was Executive of Information for her chapter of the Alpha Kappa Psi business fraternity for about two years prior to graduation.

Kami moved to Provo, UT from her native State of Idaho in the spring of 2015. She enjoys playing the tourist in her free time, seeing all the sites of Utah.

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# THE ADVISORS ADVANTAGE

CBC ADVISORS AT A GLANCE

**FACT SHEET**

# ADVISORS

**COLDWELL BANKER COMMERCIAL ADVISORS**  
*- the largest Coldwell Banker Commercial operation globally, believes when key decisions are made it isn't the accolades that make the impression, it's the relationships fostered along the way.*

**500**  
PROFESSIONALS

**30**  
TOTAL OFFICES

[www.CBCadvisors.com](http://www.CBCadvisors.com)

**POWERFUL PLATFORM**

- Asset Services
- Brokerage Services - *Industrial, Investment, Land, Hospitality, Medical, Multi-Family, Office, and Retail* property lines
- Capital Markets
- Corporate Services
- Lease Administration
- Mergers & Acquisitions
- Site Selection

**RELATIONSHIP-BASED LEADERSHIP**

- Private/Public Partnerships
- Broker/Developer Experience

**ENTREPRENEURIAL ENVIRONMENT**

- Quick and Nimble Corporate Structure
- Advisors not Brokers

The standard of excellence set forth by an Advisor is unmatched in the industry. With offices in both primary and dynamic secondary markets, Coldwell Banker Commercial Advisors leverage a technologically advanced platform and system to deliver the highest level of professionalism and consistency across a broad spectrum of disciplines and assignments.

*We're not your traditional full-service commercial brokerage, we're much more.*

• Advisor Locations  
• Coldwell Banker Commercial Locations

©2017 Coldwell Banker Commercial Advisors is headquartered in Salt Lake City, Utah with brokerage and management locations in Alaska, Arizona, California, Colorado, Florida, Idaho, Nevada, New York, Texas and Utah. Each office is owned and operated by Coldwell Banker Commercial Advisors - a Coldwell Banker Real Estate LLC, dba Coldwell Banker Commercial Affiliates company. 1.800.750.3133 info@cbcadvisors.com



**BY WORKING IN TRUE PARTNERSHIP** with commercial real estate leaders across the globe, we proactively shape the economic landscape of every market we serve - magnifying broker and client success through delivering profitability at every step.

#### ACCOLADES

- Since 2003, Coldwell Banker Commercial Advisors consecutively ranks as the top-performing Coldwell Banker Commercial (CBC) operation globally
- Coldwell Banker Commercial Advisors is the largest full-service commercial real estate operation in the Intermountain West
- Real Estate Forum and National Real Estate Investor name Coldwell Banker Commercial Advisors "Fastest Growing" and a "Top Most Influential" brokerage in the U.S.
- CBC ranks among the Top 10 Most Recognized Brands in the World, as reported by the Lipsey Company

**9+**  
BILLION  
ASSETS UNDER  
MANAGEMENT

**30**  
OFFICES  
FROM COAST TO COAST

**50**  
STATES  
IN WHICH DEALS HAVE  
BEEN CLOSED

**500+**  
ADVISORS  
NATIONWIDE INCLUDING  
BROKERS & STAFF

#### ADVISORS EXECUTIVES



**BRANDON FUGAL**  
Chairman

Brandon Fugal founded Coldwell Banker Commercial Advisors, the Top-Performing Coldwell Banker Commercial office globally - an honor maintained since 2003 and is the #1 Coldwell Banker Commercial broker in the world.



**LEW CRAMER**  
CEO

Lew Cramer is one of the most well connected economic development leaders in the nation. He is one of 4 Americans to currently serve on the World Trade Centers Association Board of Directors and was former Director General of the U.S. Commercial Service.



**ROB CORD**  
President

Rob Cord is a 28-year commercial real estate veteran whose expertise governs national expansion efforts at Coldwell Banker Commercial Advisors. His strengths are in business development, recruiting, and operations.



**YVONNE AYALA**  
Director of Operations

Yvonne Ayala served as the head of marketing for several California commercial real estate brokerages. Her focus at Coldwell Banker Commercial Advisors includes the oversight of the company's branding, public relations, research and mapping.

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**NUMBER 1**  
OPERATION GLOBALLY  
SINCE 2003

#### RECOGNITION

**THE COMMERCIAL REAL ESTATE COMPANY WITH THE MOST GROWTH AND EXPANSION IN THE LAST 5 YEARS (362% since 2012)**

- Fourteen years as the top-performing CBC operation globally
- The largest full-service commercial real estate operation in the Intermountain West
- Named "Fastest Growing" and a "Top Most Influential" brokerage in the U.S. by Real Estate Forum and National Real Estate Investor



Advisors Presence  
Encompasses:

**10**  
STATES

**30**  
OFFICES

**500+**  
ADVISORS

Partnerships with  
Mexico, London & China



**\$4.53 BILLION**  
2016 Transaction Volume  
(\$9.1 Billion Coldwell Banker Commercial)



**24 MILLION SF**  
Under Management



**50 STATES**  
With Closed Deals

Coldwell Banker Commercial Advisors Statistics July 2017©





## SUMMARY

Thank you for your consideration of CBC Advisors in evaluating your options as it relates to the marketing and disposition of the South Ogden City Surplus Land.

CBC Advisors is results-driven and has been the dominating force in the Utah market. Over the past twelve months alone, CBC Advisors has dominated the Utah Commercial Real Estate Market, transacting more business than any other firm.


We appreciate the opportunity to provide this presentation with our analysis and recommendations. We are confident in our ability to successfully market your property, as our track record clearly demonstrates.

We look forward to serving you while building a rewarding long-term relationship.

6550 South Millrock Drive, Suite 200 | Salt Lake City, UT 84121 [www.cbcadvisors.com](http://www.cbcadvisors.com)




**SAMPLE FLYER**



**COLDWELL  
BANKER  
COMMERCIAL  
ADVISORS**

**FOR SALE**



**40TH STREET SOUTH OGDEN, UTAH**  
**SOUTH OGDEN CITY SURPLUS LAND**

**PROPERTY INFORMATION**

- S. Ogden City owned land due to road expansion
- Excellent parcels with a wide range of allowable uses
- S. Ogden City has adopted a developer friendly, open form zoning code
- 4 total parcels available with additional assemblage opportunities
- Located on 40th street, major business corridor with approx. 20,000 ADT
- Parcel Numbers (Left to Right): 060840008, 060840010, 060840011, 060510011

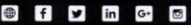
| DEMOGRAPHICS      | 1 MILE   | 3 MILE   | 5 MILE   |
|-------------------|----------|----------|----------|
| <b>Population</b> |          |          |          |
| 2016 Estimated    | 14,818   | 82,832   | 150,276  |
| 2021 Projected    | 15,227   | 86,080   | 156,850  |
| <b>Households</b> |          |          |          |
| 2016 Estimated    | 5,159    | 29,710   | 53,134   |
| 2021 Projected    | 5,286    | 30,862   | 55,390   |
| <b>Income</b>     |          |          |          |
| 2016 Median HH    | \$48,508 | \$50,579 | \$52,040 |
| 2016 Average HH   | \$62,780 | \$68,020 | \$67,357 |
| 2016 Per Capita   | \$22,212 | \$24,968 | \$24,266 |


Information provided by ESRI Business Analyst

**Sky Hazlehurst**  
801.837.2020  
sky@cbcadvisors.com

**Brad Brown**  
801.309.0399  
brad.brown@cbcadvisors.com

www.cbcadvisors.com





**RETAIL**

**CBC ADVISORS**  
6550 S MILLCROCK DR., STE 200  
SALT LAKE CITY, UTAH 84121  
(P) 801.947.8300

Information with the information it contains is given with the understanding that negotiations relating to the purchase, sale, lease or financing of this property shall be conducted through this office. The information is not intended to be used as a basis for a decision to purchase, lease or finance this property without the assistance of a qualified professional. Coldwell Banker Commercial and its logo are registered service marks owned by Coldwell Banker Real Estate LLC. Each Office is Independently Owned and Operated. All Rights Reserved. © 2016



**COLDWELL  
BANKER  
COMMERCIAL  
ADVISORS**

**FOR SALE**



**RETAIL**







**Sky Hazlehurst**  
801.837.2020  
sky@cbcadvisors.com

**Brad Brown**  
801.309.0399  
brad.brown@cbcadvisors.com

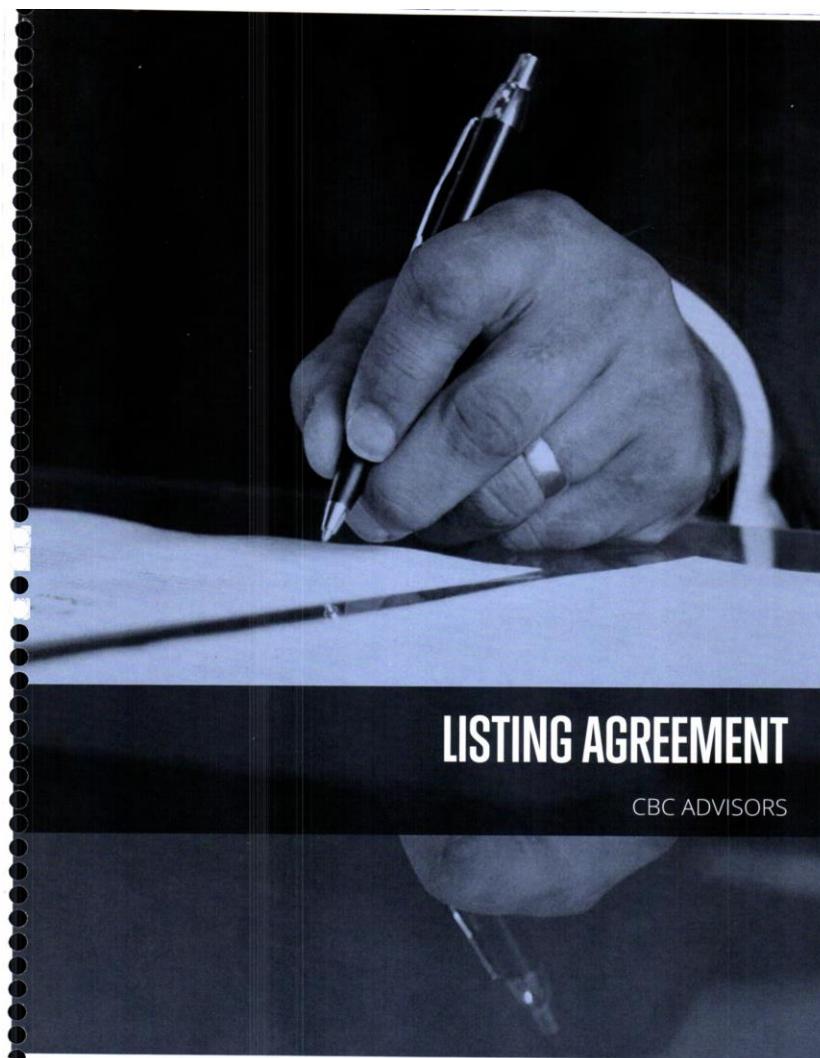
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**RETAIL**





## EXCLUSIVE SALES/LEASE LISTING AGREEMENT

November 21, 2017

I. In consideration of the listing for sale or lease of the real property hereinafter described ("the Property") by Coldwell Banker Commercial Advisors, ("Broker"), and Broker's agreement to use its best efforts to effect a sale or lease of the same, the undersigned ("Owner") hereby grants to Broker the exclusive right to sell or lease the Property for a period commencing November 21, 2017 and ending midnight May 31, 2018 and shall continue on a month to month basis until either party gives thirty (30) day notice of termination. The sale or lease(s) shall be on the following terms: **To be approved by Owner.**

The Property is situated in the City of South Ogden County of Weber State of Utah, and is further described as the real property and improvements at 3551 40th St. 655 40th St. 675 40th St. 4015 S Madison Ave 40th St. 705 40th St. Ogden Utah 84403 Parcel numbers: 060840006, 060840010, 060840011, 060510011 at .83 acres, .16 acres, .13 acres, .08 acres

2. Owner agrees to pay Broker a sales commission equal to six percent (6%) of the gross sales price. This commission shall be earned and paid for services rendered if, during the Term: (a) A Buyer/Tenant is procured (by Broker, Owner, or anyone else) who is ready, willing and able to purchase the Property at the price and on the terms above stated, or on any other price and terms agreeable to Owner, (b) Any contract for the sale of the Property is entered into by Owner, (c) Owner removes the Property from the market, or (d) Owner contributes or conveys the Property, or any interest therein, to a partnership, joint venture, or other business entity, or transfers an interest in an entity which has an ownership interest in the Property in lieu of a sale of the Property.

### A. LEASES OR SUBLEASES:

Commissions shall be earned and payable on execution of a lease by Owner and a tenant, in accordance with the following rates:

- 6% of the total base rental for the first 5 years, plus
- 3% of the total base rental for the remainder of the term.

Total commission shall be equal to a minimum of the 1st month's base rental.

The above rates are subject to the following provisions:

### 3. Term of More Than 10 Years:

If a lease term is in excess of 10 years, then the commission shall be calculated only upon the base rental to be paid for the first 10 years of the lease term.

### C.

#### Month to Month Tenancy:

The commission shall be equal to the first month's base rental.

### D. Option to Extend Lease or Occupy Additional Space:

Should a lease term be extended, or a tenant occupy additional space by virtue of an option or other provision in its lease, or through subsequent modification of such provisions, then Owner shall pay a leasing commission in accordance with the provisions of this Schedule on the additional base rental to be paid, calculated at the commission rate applicable hereunder to the years of the lease in which the additional base rental is payable. Said commission shall be earned and payable at the time the extended term commences, or the additional space is occupied.

3. As used in this Agreement the term "sale" shall include an exchange of the Property, and also the granting of an option to purchase the Property. Owner agrees that in the event such an option is granted, Owner shall pay Broker a sales commission in accordance with the Schedule on the price paid for the option and for any extensions thereof. Owner of any such payment(s) shall pay this commission upon receipt. In the event such an option is exercised, whether during the Term or thereafter, Owner shall also pay Broker a sales commission on the gross sales price of the Property in accordance with the Schedule. Notwithstanding the foregoing, to the extent that all or part of the price paid for the option or any extension thereof is applied to the sales price of the Property, then any commission previously paid by Owner to Broker on account of such option payments shall be credited against the commission payable to Broker on account of the exercise of the option.

1. Owner further agrees that Owner shall pay broker the aforementioned commission if, within 90 days after the expiration of the Term: (a) the Property is sold, (b) Owner enters into a contract of sale for the Property, or (c) negotiations commence and thereafter continue leading to the sale of the Property to any person or entity to whom Broker has submitted the Property prior to the expiration of the Term in an effort to effect a sale of the Property. Broker agrees to submit a list of such persons or entities to Owner no later than 15 days following the expiration of the Term, provided, however, if Broker has submitted a written offer then it shall not be necessary to include the offeror's name on the list.

3. By signing this Exclusive Sales/Leasing Listing Agreement, Owner designates that Owner's Agent and Broker will represent Owner and will work diligently to locate a Buyer/Tenant for the Property, the Owner also authorizes the Owner's Agent or the Broker to appoint another Agent in the company to represent the Owner in the event the Owner's Agent or Broker will be temporarily unavailable to service the Owner. As the Owner's Agent, they will act consistent with their fiduciary duties to Owner of loyalty, full disclosure, confidentiality, and reasonable care. Owner understands, however, that the Owner's Agent and Broker may now, or in the future, agree to act as agent for a Buyer/Tenant who may wish to negotiate a sale/lease of the Property. Then the Owner's Agent and Broker would be acting as Limited Agent representing both Owner and the Buyer/Tenant at the same time.

Limited Agency is allowed under Utah law only with the informed consent of the Buyer/Tenant and Owner. For consent to be informed, Owner and Buyer/Tenant must understand that conflicting duties of disclosure, loyalty and confidentiality to each party may arise. To resolve these conflicting duties, the Limited Agent will be bound by a further duty of neutrality. Being neutral, the Limited Agent will not disclose to either party information likely to weaken the bargaining position of the other, for example, the highest price the Buyer/Tenant will offer or the lowest price the Owner will accept. However, the Limited Agent must disclose to both parties material information known to the Limited Agent regarding a defect in the property and the ability of the other party to fulfill all obligations under their agreement.

By initialing here, Owner understands and consents that Owner's Agent and Broker are authorized to represent both Owner and Buyer/Tenant as Limited Agents when Owner's Agent presents a Buyer/Tenant for the Property. When another agent from Coldwell Banker Commercial Advisors presents a Buyer/Tenant, that agent will exclusively represent the Buyer/Tenant as a Buyer/Tenant's Agent, and Owner's Agent will exclusively represent Owner as Owner's Agent, and the Broker will act as a Limited Agent.

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i. Unless otherwise provided herein, the terms of sale shall be, at the option of the Buyer/Tenant, either cash or cash to any existing loan. Unless otherwise mutually agreed between Owner and the Buyer/Tenant, the time limit for closing shall not exceed 90 days, and any offer may contain normal and customary contingencies such as Buyer/Tenant's approval within 10 days of receipt thereof of title report, soils test and existing leases.

8. It is understood that it is illegal for either Owner or Broker to refuse to display, sell or lease the Property to any person because of race, color, religion, national origin, sex, marital status or physical disability.

9. Owner agrees to cooperate with Broker in bringing about a sale of the Property and to immediately refer to Broker all inquiries of anyone interested in the Property. All negotiations are to be through Broker. Broker is authorized to accept a deposit from any prospective Buyer/Tenant. Broker is further authorized to advertise the Property and to place a "For Sale" sign or signs on the Property if, in Broker's opinion, such would facilitate the sale of the Property.

9. Owner agrees to indemnify and hold Broker harmless for any damage to Broker as a result of any and all claims, disputes, litigation or judgments arising from any incorrect information supplied by Owner, or from any material fact known by Owner concerning the property, which Owner fails to disclose. Owner represents that it is the lawful owner of the Property.

10. This agreement shall be binding in all respects upon, and shall inure to the benefit of the Parties and their respective heirs, successors and assigns, employees, agents and representatives, supercedes, and to all persons or entities claiming by, through or under them.

11. This Agreement shall be governed by the law of the State of Utah.

12. Any provision of this Agreement which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction only, be ineffective to the extent if such prohibition or unenforceability without invalidating the remaining provisions hereof, and any such prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable such provision in any other jurisdiction. Furthermore, all other provisions not so prohibited or unenforceable shall remain effective.

13. This Agreement constitutes the entire agreement between Broker and Owner and a complete merger of all prior negotiations and agreements. This Agreement represents the entire understanding between Broker and Owner, and there are no written or oral agreements between them which are not set forth herein. None of the provisions of this Agreement may be changed, discharged or terminated orally and may be modified or amended only by an instrument in writing, signed by Broker and Owner. Likewise, the rights available to each of the parties under this Agreement cannot be waived or released orally, and may be waived or released only by an instrument in writing, signed by the party whose rights will be diminished or adversely affected by the waiver.

14. Every dispute concerning the interpretation or effect of this Agreement, if not first submitted to mediation, shall be resolved in the Third Judicial District Court in and for Salt Lake County, State of Utah. To the maximum extent permitted by law, Owner and Broker consent and voluntarily submit themselves to the personal jurisdiction, subject matter jurisdiction and venue of said court.

15. In the event that a party breaches this Agreement, such breaching party shall pay, in addition to any other liability, all costs and expenses incurred by or on behalf of the non-breaching party or its successor-in-interest in enforcing, or in exercising any remedies under, this Agreement, including but not limited to reasonable attorneys' fees, whether or not any action or proceeding is brought to enforce the provisions hereof.

16. The Parties agree to execute and deliver any and all additional papers, documents, instruments, and other assurances, and shall do any and all acts and things reasonably necessary, in connection with the performance of their obligations hereunder, to carry out the intent of the Parties as expressly stated in this Agreement.

17. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all such counterparts shall constitute one and the same Agreement. Facsimile signatures shall have the same force and effect as original signatures.

The undersigned Owner hereby acknowledges receipt of a copy of this Agreement and the Schedule.

\_\_\_\_\_  
Owner

Accepted:

By: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Coldwell Banker Commercial Advisors**  
3550 South Millrock Drive, Suite 200  
Salt Lake City, UT 84121  
(801) 947-8300 Fax (801) 947-8301  
Salt Lake City, UT 84121

By: \_\_\_\_\_

Title: Broker \_\_\_\_\_

Date: \_\_\_\_\_

The above duties of real estate agent/broker in a real estate transaction do not relieve a Buyer or Seller from the responsibility to exercise good business judgement in protecting their prospective interests. You should carefully read all agreements to assure that they adequately express your understanding of the transaction. If legal or tax advice is desired, consult a competent professional attorney or accountant.

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